

Philipstown Planning Board
Meeting Minutes
June 18, 2015

The Philipstown Planning Board held its regular monthly meeting on Thursday, June 18, 2015 at the Butterfield Library in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Anthony Merante, Chairman
Kim Conner
Mary Ellen Finger
Joseph Giachinta
David Hardy
Peter Lewis
Neal Zuckerman
Steve Gaba, Counsel
Absent: Ron Gainer, Engineer

Approval of Minutes

- April 16, 2015

Mr. Zuckerman made a motion to approve the minutes. Ms. Finger seconded the motion.

- May 21, 2015

Ms. Conner made a motion to approve the minutes. Mr. Giachinta seconded the motion. The vote (on both motions) was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

**Scanga Realty Lot4 – Amended site plan approval – Lady Blue Devils Lane, Cold Spring, NY:
Request for 6-month extension**

Mr. Zuckerman made a motion to approve the extension. Ms. Finger seconded the motion. The extension was granted. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

OWPP LLC (Grasso) – Application for 2-lot subdivision and special use permit under Section 175-36B(7) – 410 Old West Point Road, Garrison, NY: Submission of revised materials

Mr. Watson said that they held and closed the public hearing. Mr. Gainer was asked to prepare a Resolution of Approval. Mr. Watson presented a plan and stated that it was the existing condition. He said that basically the entire application was to swing one part of the lot line such that Mr. Grasso's parcel picks up about five acres, which will be subject to a conservation easement and the other parcel will get



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smaller. Mr. Watson said that they don't anticipate there will be any change physically. He said that Mr. Grasso is working with the Hudson Highlands Land Trust to alter the terms of the conservation easement. Mr. Watson said that they submitted revised plans which address things in Mr. Gainer's memo – one of which was the location of the fence. He said that they went out and surveyed it. Mr. Watson said that they staked the septic system and told Mr. Klotzle they had done that.

Ms. Finger asked if the delineation of the conservation easement on Parcel B had not yet been determined.

Mr. Watson said that the conservation easement follows the original lot lines. He pointed it out on the plan. Mr. Watson said that the area subject to conservation easement is going to be exactly the same.

Ms. Finger said that no additional building could be done.

Mr. Watson said that they are not going to add any rights to the conservation easement.

Ms. Conner said that when Mr. Watson says "building", he means a house.

Mr. Watson said that his understanding is that there was the right to build a small building and that will go. He said that there is certainly no increase in the right to build and that he knew the house site was going to be pushed onto Lot A only. Mr. Watson pointed to a location on the map and stated that there would not be a house back there ever.

Ms. Finger asked if putting in an accessory apartment didn't count toward the dwelling unit. She asked if something like that could be added to the house or put as a separate unit on that lot.

Mr. Watson said that he did not know if that was restricted. He said that certainly from a zoning point of view that would be available to this lot. Mr. Watson said that there is a conservation easement.

Mr. Gaba said to Mr. Watson that the arrangement he was working out with the Land Trust would not affect the ability to use Lot B for a building lot and asked if that was correct.

Mr. Watson said that there is a house on Lot B and Lot A will be with a building right. He said that within the conservation area of the original piece, the right to build a house basically anywhere, is going to be limited to the right to build a house on Lot A.

Mr. Gaba said, so if the Board approves the subdivision, there is still a buildable lot for Lot A.

Mr. Watson agreed.

Mr. Gaba said that the change that they may have in the works privately – between themselves, isn't going to affect the subdivision as resulting in two buildable lots under the code and the applicant can't do

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anything unilaterally as far as that conservation easement goes.

Ms. Conner asked what the setback required from Old West Point Road was.

Ms. Watson said sixty feet from the center of the road.

Ms. Conner said one of the requirements in the easement to screen any building that goes on there. She said that she would like that to be noted in the minutes.

Mr. Watson said that he believed he put a note on the most recent plan.

Mr. Merante said that the need to concern themselves with the deed and asked Mr. Watson if that was correct.

Mr. Watson said that the conservation easement requires that the seller put reference to the conservation easement in any deed that they make for the property, so that is already in the title. He said that failing that, the title search would find that easement and raise it in the title policy – even if the seller failed to do it.

Ms. Conner said that she was somewhat concerned with pushing it so close to the road. She said that she understood that Mr. Grasso doesn't want to have a shared driveway, but it would be quite (inaudible) from the town road. Ms. Conner said that sometimes the zoning changes are for that reason – to push things further back.

Mr. Watson said that he got that, but they purposely left this out of the scenic protection.

Ms. Conner said that they are mitigating the steep slopes by allowing it closer to the road.

Mr. Zuckerman made a motion to approve the Negative Declaration. Ms. Conner seconded the motion.

The vote was as follows:	Anthony Merante	-	In favor
	Kim Conner	-	In favor
	Mary Ellen Finger	-	In favor
	Joseph Giachinta	-	In favor
	David Hardy	-	In favor
	Peter Lewis	-	In favor
	Neal Zuckerman	-	In favor

Mr. Zuckerman made a motion to approve the Resolution. Ms. Finger seconded the motion. The vote

was as follows:	Anthony Merante	-	In favor
	Kim Conner	-	In favor
	Mary Ellen Finger	-	In favor
	Joseph Giachinta	-	In favor

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David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

VISTA44LLC (dba Garrison Café) – Application for major site plan – 1135 Route 9D, Garrison, NY: New submission

Mr. Watson introduced Mr. McMahon (proprietor of Garrison Café and tenant in building). He said that the building today has two basic components - a 1700 square foot three bedroom apartment and about 1480 square foot café. Mr. Watson said that they have a change of use that they are proposing and the change in use requires alterations in the building that exceeds 1000 square feet. He said that the idea is to take the café and apartment and change the configuration such that the entire building is going to be used commercially for retail. The café would stay exactly the same, the middle part of the apartment would become a wine bar and the north part of the building would become a retail wine shop. Mr. Watson said that they do not anticipate any changes in the outside except for some cleanup to bring some of the parking into compliance. He said they need a handicap space and pointed out on the plan where they intend to put it. Mr. Watson said that in order to get into the wine bar, they need to install a ramp up to the first floor. He said that the Health Department has looked at the septic system, and has issued a letter. They have already said they could use the existing septic system for this use. Mr. Watson said that there was a question with regard to locating parking onto the adjacent piece, even though it's owned by the same person. He said that he thought that was easily handled with the definition in the lease and they'll work with Mr. McMahon to make sure they have something in that regard from the owner, to give to the Board next month.

Mr. Merante said that they received Mr. Gainer's memo and he briefly went over some comments that were made in his memo.

Mr. Giachinta asked if where is said "existing curb to remain", that was the curbing that is there now.

Mr. Watson said yes.

Mr. Giachinta said that it makes it tight with the parking spots.

Mr. Watson said that he would take a look at it.

Mr. Giachinta suggested Mr. Watson possibly look at having a one-way in and a one-way out.

Mr. Watson said that they could take a look at it.

Mr. Zuckerman said that it is chaotic, they will have alcohol introduced and people who will be buying

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more than usual, so the question becomes how do they make use of the space such that those who have been under the influence, even the littlest bit, are not going to back up right on to Route 9.

Ms. Conner said that with regard to the building to the north that has businesses within it, how that gets resolved in terms of parking.

Mr. Watson said that he thought that was calculated in the bottom, but would check it.

Ms. Conner said that she believed the parking spaces to the south were in the wetland.

Mr. Watson agreed. He said that they are not building them - they're there.

Ms. Conner asked Mr. Gaba if because it is a change and presumably the parking spaces are non-conforming since they're in the wetland, the Board would get a bite at that.

Mr. Gaba said that his calculation is that twenty spaces are required.

Mr. Watson said yes, and they're two short.

Mr. Gaba said, so they're two short on that. He said that he thought the code prohibits parking on the front and parking on the side of the building is supposed to be screened. Mr. Gaba said that when he spoke with Mr. Gainer about this, he was gravely concerned about the lot just being the dumpster in parking lot. He said that the town code is pretty clear in his opinion, that principal permitted uses – use of parking lots in the Town of Philipstown is certainly frowned upon if not out and out prohibited. Mr. Gaba said that it is kind of a stand-alone parking area. He said that his thought on it was, if they wanted to try to bring it into the fold in terms of seeking...it might make sense to do a lot line change. Mr. Gaba said that if it's small enough, he didn't know that you would even have to bring it in front of the Planning Board.

Mr. Watson said that he thought there probably was a way to put parking in the back, but didn't know if that had been discussed between the tenant and the landlord.

Ms. Conner asked if someone decided to build on the side lot, what that would do to the parking.

Mr. Watson said that physically there's room – regardless. He said that the issue with using it is building a driveway so close to the stream/wetlands, and to a certain extent that's going to be an issue with regard to building parking in the back.

Mr. Giachinta made a motion to set a site visit for Sunday, June 28th. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor

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Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Ms. Conner made a motion to declare this as a major site plan application. Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Mr. Zuckerman made a motion to declare the Planning Board Lead Agency. Mr. Giachinta seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Ms. Conner made a motion that the application be referred to the CAB, Fire Department and Putnam County (239M). Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Mr. Merante asked Mr. Watson to talk about the deliveries/vehicles.

Mr. Watson said that they have a space for deliveries.

Ms. Conner asked how many more deliveries they thought they would end up with as a result of adding the wine.

Mr. McMahon said that all this is really going to do is going to extend the business a little longer in the

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day

Mr. Lewis asked if there were restrictions in terms of businesses near churches and the sale of liquor.

Mr. McMahon answered (inaudible).

Mr. Lewis asked if the retail sale of alcohol and the wine bar as an establishment was also permitted.

Mr. McMahon said no...so the whole concept of the retail space on the end of the wine shop would be completely separate and would require a separate liquor license. He explained that the "master" plan is a café with an adjacent wine bar with one license and one operation, and at the very end of the building would be a retail wine shop with a completely different license.

Mr. Giachinta made a motion to hold the next Planning Board meeting on Thursday, July 30, 2015. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Mr. Giachinta made a motion to schedule a public hearing on this matter on that date (July 30th), contingent on having everything the Board needs. Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Referral from Town Board: Local Law to amend Town Code Chapter 89 "Filming" by changing the title of the Chapter to "Filming, Events and Mass Gatherings" and amending the provisions of the Chapter to provide for regulation of Events and Mass Gatherings

Mr. Gaba gave an overview of the above-stated Local Law and briefly went over the terms and conditions.

The Board discussed the matter.

Ms. Conner asked if a suggested donation would fall under a different category.

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Mr. Gaba said that a suggested donation under this law would not require a public fee.

Mr. Lewis made a motion that Mr. Gaba write up and forward the Planning Board's comments on this matter. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Referral from Town Board: Local Law to amend Town Code Chapter 172 by amending Town Code Section 17.5 "existing wood fired furnaces" to impose time of operation restrictions on pre-existing wood fired furnaces to the Philipstown Planning and the Putnam County Division of Planning for review and comment: Memo dated May 28, 2015 from Tina M. Merando to Andy Merante and members of the Planning Board

Mr. Gaba gave an overview of the above-stated Local Law.

The Planning Board had no further comment.

Ms. Conner made a motion that Mr. Gaba respond and return to the Town Board. Ms. Finger seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Miscellaneous

- Training class in Hyde Park (July 15, 2015)

Mr. Merante stated that several Board members expressed an interest in attending the class. Members would need to register (individually) on line.

Adjourn

Mr. Giachinta made a motion to adjourn the meeting. Ms. Conner seconded the motion. The meeting ended at 8:45 p.m. The vote was as follows:

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Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Respectfully submitted,

Ann M. Gallagher

Note: These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval thereupon.

Date approved: _____